

The Honorable Ricardo S. Martinez

UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

UNITED STATES OF AMERICA,  
Plaintiff,

v.

(1) GUSTAVO SANDOVAL-AGURCIA,  
(2) ELIAS NEFTALI MONTES-SEVILLA,  
(3) JORGE URIEL ESQUIVEL-MENA,  
(4) FRANCISCO JAVIER ESQUIVEL-MENA,  
(5) BALDEMAR MARTINEZ-RICO, and  
(6) WILMER GALINDO-MARADIAGA,

Defendants.

NO. CR20-094 RSM

ORDER

THIS COURT having considered the motion of the United States for a continuance of the trial date and the facts set forth therein, and General Orders 01-20, 02-20, 03-20, 04-20, 07-20, 08-20, 15-20, 18-20 and 4-21 of the United States District Court for the Western District of Washington, addressing measures to reduce the spread and health risks from COVID-19, which are incorporated herein by reference, and the facts set forth in the government's motion, hereby FINDS as follows:

1. In light of the recommendations made by the Centers for Disease Control and Prevention (CDC) and Public Health for Seattle and King County regarding social distancing measures required to stop the spread of this disease, as well as the lack of the type of personal protective equipment necessary to ensure the health and safety of all participants, it

1 is not possible at this time to proceed with a jury trial as scheduled on  
2 May 18, 2021.

- 3 2. Further, because of the recommendations that individuals at higher risk  
4 of contracting this disease—including individuals with underlying  
5 health conditions, individuals age 60 and older, and individuals who are  
6 pregnant—avoid large groups of people, at this time, it would be  
7 difficult, if not impossible, to get a jury pool that would represent a fair  
8 cross section of the community. Based on the recommendations it  
9 would also be medically inadvisable to do so.
- 10 3. The Court further notes that no defendant opposes a continuance in this  
11 case, with all requesting a dates in September, October, November,  
12 and/or December of 2021.
- 13 4. That any objections of defendants who were not prepared to waive  
14 speedy trial to a continuance, or to a continuance of the trial date  
15 established below, are hereby overruled. Defendants in these related  
16 cases are alleged to have conspired together. All of the related cases  
17 arise out of a common investigation, including common wiretap  
18 applications and a common search warrant application. It is well  
19 established that in multi-defendant cases, a reasonable trial continuance  
20 as to any defendant tolls the Speedy Trial Act period as to all joined co-  
21 defendants, even those who object to a trial continuance or who refuse  
22 to submit a waiver under the Speedy Trial Act. *See* 18 U.S.C. §  
23 3161(h)(6).
- 24 5. As a result, the failure to grant a continuance of the trial date in this case  
25 would likely result in a miscarriage of justice. Pursuant to 18 U.S.C.  
26 § 3161(h)(7)(A), the ends of justice served by continuing the trial in this  
27 case outweighs the best interest of the public and the defendant to a  
28 speedy trial.

21 IT IS THEREFORE ORDERED that the current trial date of May 18, 2021 is  
22 STRICKEN.

23 IT IS FURTHER ORDERED the pre-trial motions deadlines are STRICKEN and a  
24 new pretrial motions deadline of September 24, 2021, is established.

25 IT IS FURTHER ORDERED that if, by July 16, 2021, there are outstanding  
26 defendants whose charges have not been resolved, those parties must file, by July 30, 2021, a  
27 stipulated order establishing more detailed deadlines for pre-trial motions.  
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1 IT IS FURTHER ORDERED that jury trial in this matter is set for October 25, 2021.

2 IT IS FURTHER ORDERED that the time from the date of the entry this Order and  
3 the trial date set forth above shall be excludable time pursuant to 18 U.S.C. § 3161.

4 Dated this 19<sup>th</sup> day of April, 2021.

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7  
8 RICARDO S. MARTINEZ  
9 CHIEF UNITED STATES DISTRICT JUDGE

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12 Presented by:

13  
14 s/ Stephen Hobbs

15 STEPHEN HOBBS

16 Assistant United States Attorney  
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